Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT
Issued under 401 KAR 52:040

Permittee Name:	**Azteca Milling, L.P. dba Valley Grain Products**
Mailing Address:	**5301 Industrial Park Drive** **Henderson, Kentucky 42420**
Source Name:	**Valley Grain Products**
Mailing Address:	**Same as above**
Source Location:	**5301 Industrial Park Drive** **Henderson, Kentucky 42420**
Permit Number:	**S-07-030**
Source A. I. #:	**1791**
Activity #:	**APE20060001**
Review Type:	**Minor Source, Operating**
Source ID #:	**21-101-00102**
Regional Office:	**Owensboro Regional Office** **3032 Alvey Park Drive W., Suite 700** **Owensboro, Kentucky 42303-2191** **(270) 687-7304**
County:	**Henderson**
Application Complete Date:	**February 6, 2007**
Issuance Date:	**February 12, 2007**
Revision Date:	**N/A**
Expiration Date:	**February 12, 2017**

John S. Lyons, Director
Division for Air Quality

Revised 10/19/05

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application, which was determined to be complete on February 6, 2007, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify an affected facility without first having submitted a complete application and receiving a permit for the planned activity from the Division, except as provided in this permit or in the Regulation 401 KAR 52:040, State-origin permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals that may be required by the Cabinet or other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Corn Receiving:

01	**(-)**	**Receiving Pit 1** **(maximum rated capacity – 160 tons/hour)**
	(-)	**Receiving Pit 2** **(maximum rated capacity – 160 tons/hour)**
	(-)	**Pit Belt 1** **(maximum rated capacity – 160 tons/hour)**
	(-)	**Pit Belt 2** **(maximum rated capacity – 160 tons/hour)**
	(1)	**Elevator 1** **(maximum rated capacity – 160 tons/hour)**
	(2)	**Elevator 2** **(maximum rated capacity – 160 tons/hour)**
	(3)	**Elevator 3** **(maximum rated capacity – 160 tons/hour)**
	(4)	**Elevator 4** **(maximum rated capacity – 160 tons/hour)**
	(5)	**Elevator 5** **(maximum rated capacity – 160 tons/hour)**
	(-)	**Receiving Drag 1 (to receiving tanks)** **(maximum rated capacity – 160 tons/hour)**
	(-)	**Receiving Drag 2 (to receiving tanks)** **(maximum rated capacity – 160 tons/hour)**
	(33-37)	**Receiving Tanks (5)** **(maximum rated capacity – 700 tons, each)**
	(-)	**Belt (top short)** **(maximum rated capacity – 160 tons/hour)**
	(-)	**600’ Long Drag** **(maximum rated capacity – 160 tons/hour)**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

01	**(-)**	**Long Belt** **(maximum rated capacity – 160 tons/hour)**
	(-)	**Dryer Tank Auger** **(maximum rated capacity – 160 tons/hour)**
	(-)	**Dryer Tanks (2)** **(maximum rated capacity – 160 tons, each)**
	(-)	**Dryer Belt (to dryer elevator)** **(maximum rated capacity – 160 tons/hour)**
	(6)	**Dryer Elevator** **(maximum rated capacity – 160 tons/hour)**
	(9)	**Column Dryer (Myers 2000)** **(maximum rated capacity – 80 tons/hour)**
	(-)	**Natural Gas Burner (8.9 mmBTU/hr)** **(primary fuel for column dryer)**
	(10)	**Column Dryer (Myers 2000)** **(maximum rated capacity – 80 tons/hour)**
	(-)	**Natural Gas Burner (8.9 mmBTU/hr)** **(primary fuel for column dryer)**
	(14)	**Baghouse #2 (grader room)**
	(-)	**Dryer Drag (from column dryers)** **(maximum rated capacity – 160 tons/hour)**
	(38-40)	**Hot Tanks (3)** **(maximum rated capacity – 700 tons, each)**
	(-)	**Top Short Drag** **(maximum rated capacity – 160 tons/hour)**
	(-)	**Top Cross Auger** **(maximum rated capacity – 160 tons/hour)**
	(-)	**100’ Drag** **(maximum rated capacity – 160 tons/hour)**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

01	**(-)**	**200' Drag** **(maximum rated capacity – 160 tons/hour)**
	(41-52)	**Storage Tanks (12)** **(maximum rated capacity - 1400 tons, each)**
	(-)	**Cone Augers (12)** **(maximum rated capacity – 45 tons/hour, each)**
	(-)	**Recovery Belt** **(maximum rated capacity – 160 tons/hour)**
	(-)	**Recovery Drag** **(maximum rated capacity – 160 tons/hour)**
02	**(16)**	**Cleaner** **(maximum rated capacity – 120 tons/hour)**
	(-)	**Cleaner Drag** **(maximum rated capacity – 120 tons/hour)**
	(12)	**Grader Tank** **(maximum rated capacity – 160 tons)**
	(-)	**Grader Auger** **(maximum rated capacity – 50 tons/hour)**
	(13)	**Grader Elevator** **(maximum rated capacity – 50 tons/hour)**
	(17)	**Grader** **(maximum rated capacity – 50 tons/hour)**
	(11)	**Baghouse #1 (elevator)**
	(-)	**Incline Drag** **(maximum rated capacity – 50 tons/hour)**
	(-)	**Crack Auger** **(maximum rated capacity – 7.5 tons/hour)**
	(-)	**Crack Elevator** **(maximum rated capacity – 7.5 tons/hour)**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

02	**(15)**	**Crack Tank** **(maximum rated capacity – 37.5 tons)**
	(-)	**Truck Loadout (crack waste disposal)** **(maximum rated capacity – 7.5 tons/hour)**
	(21)	**Gravity Tank Elevator** **(maximum rated capacity – 50 tons/hour)**
	(23)	**Gravity Tank** **(maximum rated capacity – 160 tons)**
	(-)	**Gravity Tank Auger** **(maximum rated capacity – 50 tons/hour)**
	(22)	**Gravity Tables Elevator** **(maximum rated capacity – 50 tons/hour)**
	(-)	**Gravity Tables Auger** **(maximum rated capacity – 50 tons/hour)**
	(18-20)	**Gravity Tables (3)** **(maximum rated capacity – 7 tons/hour, each)**
	(-)	**Gravity Table 1 Auger** **(maximum rated capacity – 7 tons/hour)**
	(-)	**Recycle Elevator** **(maximum rated capacity – 9.25 tons/hour)**
	(32)	**ST Elevator** **(maximum rated capacity – 50 tons/hour)**
	(-)	**ST Auger** **(maximum rated capacity – 50 tons/hour)**
	(25-27)	**ST Tanks (3)** **(maximum rated capacity – 160 tons, each)**
	(-)	**Truck Loadout** **(maximum rated capacity – 120 tons/hour)**
	(-)	**Transfer Drag** **(maximum rated capacity – 120 tons/hour)**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

02	**(-)**	**Transfer Auger** **(maximum rated capacity – 120 tons/hour)**
	(-)	**Loadout Auger** **(maximum rated capacity – 120 tons/hour)**
	(24)	**Loadout Elevator** **(maximum rated capacity – 120 tons/hour)**
	(-)	**DeStoner** **(maximum rated capacity – 10 tons/hour)**
	(-)	**Stoner Drag** **(maximum rated capacity – 50 tons/hour)**
	(-)	**By-Pass Auger** **(maximum rated capacity – 50 tons/hour)**
	(-)	**BeesWings Tank** **(maximum rated capacity – 50 tons)**

Masa Plant:

03	**(28-31)**	**VPT Tanks (4)** **(maximum rated capacity – 150 tons, each)**
	(-)	**Truck Loadout** **(maximum rated capacity – 120 tons/hour)**
	(-)	**Mixing Auger** **(maximum rated capacity – 15 tons/hour)**
	(-)	**Scale Elevator** **(maximum rated capacity – 15 tons/hour)**
	(-)	**5 Ton Corn Scale Hopper (to cooking tanks)** **(maximum rated capacity – 15 tons/hour)**
	(-)	**Scale Auger (from scale hopper)** **(maximum rated capacity – 15 tons/hour)**
	(4)	**Cooking Tanks (4)** **(maximum rated capacity – 5 tons, each)**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

03	**(7)**	**Steeping Tanks (14) (to driers)** **(maximum rated capacity – 5 tons, each)**
	(-)	**Wash Auger** **(maximum rated capacity – 15 tons/hour)**
	(-)	**Corn Pump (Wakashau)** **(maximum rated capacity – 15 tons/hour)**
	(-)	**Incline Belt #2 (to stone grinder hoppers)** **(maximum rated capacity – 15 tons/hour)**
	(-)	**Dryer #1 (suspension)** **(Ross-Weldron)** **(maximum rated capacity – 7.5 tons/hour)**
	(-)	**Natural Gas Burner (18 mmBTU/hr)** **(primary fuel for suspension dryer #1)**
	(-)	**Dryer #2 (suspension)** **(Ross-Weldron)** **(maximum rated capacity – 7.5 tons/hour)**
	(-)	**Natural Gas Burner (18 mmBTU/hr)** **(primary fuel for suspension dryer #2)**
	(-)	**Stone Grinder Hoppers (10) (to stone grinders)** **(maximum rated capacity – 1.5 tons/hour, each)**
	(-)	**Stone Grinders (10)** **(maximum rated capacity – 1.5 tons/hour, each)**
	(8)	**50 lb Bagger (with 3 hoppers)** **(maximum rated capacity – 20 tons/hour)**
	(9)	**2,000 lb TOTE** **(maximum rated capacity – 20 tons/hour)**

First Floor:

03	**(20)**	**Hammer Mills (4)** **(maximum rated capacity – 30 tons/hour, each)**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Third Floor:

03	**(-)**	**Auger (to sifters)** **(maximum rated capacity – 15 tons/hour)**
	(19)	**Sifters (3)** **(maximum rated capacity – 15 tons/hour, each)**
	(-)	**Auger (from sifters)** **(maximum rated capacity – 15 tons/hour)**
	(-)	**Additive Feeders (4)** **(maximum rated capacity – 0.558 tons/hour, each)**
	(-)	**Additive Auger** **(maximum rated capacity – 2.5 tons/hour)**
	(-)	**Mixing Auger (to metal detector)** **(maximum rated capacity – 15 tons/hour)**

Fourth Floor:

03	**(16)**	**Baghouse (pneumatic)**
	(17)	**Baghouse (general)**
	(18)	**Baghouse (cooling lift)**

Fifth Floor:

03	**(14)**	**Flour Cyclones (7)** **(maximum rated capacity – 15 tons/hour, each)**

Sixth Floor:

03	**(10)**	**Finished Flour Tanks (4) (to packers)** **(maximum rated capacity – 100 tons, each)**
	(11)	**Stein Tanks (3) (dried product)** **(maximum rated capacity – 62 tons, each)**
	(-)	**Auger (from stein tanks)** **(maximum rated capacity – 15 tons/hour)**
	(-)	**Proof Sifters (2) (from flour silos)** **(maximum rated capacity – 20 tons/hour, each)**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

03	**(-)**	**Auger (reprocess flour)** **(maximum rated capacity – 15 tons/hour)**
	(12)	**Reprocess Tanks (2)** **(maximum rated capacity – 40 tons, each)**
	(-)	**Auger (to packers)** **(maximum rated capacity – 15 tons/hour)**
	(-)	**Kice Cooling Tower** **(maximum rated capacity – 15 tons/hour)**

APPLICABLE REGULATIONS:

State Regulation 401 KAR 59:010, New process operations, applies to each of the affected facilities listed above constructed on or after July 2, 1975, which is associated with a control device or stack and not subject to another emission standard with respect to particulates.

1. Operating Limitations:

N/A

2. Emission Limitations:

The Division for Air Quality has determined that this facility's potential to emit any air pollutant is less than 100 tons per year. Therefore, although the permit may be conditioned to allow emissions in excess of 100 tons per year pursuant to federally enforceable Regulations KAR 59:010, New process operations, emissions equal to or in excess of 100 tons per year of any pollutant are not possible. Accordingly, this permit is being issued as a minor source state-origin permit.

a. Pursuant to State Regulation 401 KAR 59:010, Section 3(2) and Appendix A, emissions of particulate matter from each source constructed on or after July 2, 1975, shall not exceed the lbs/hr limit as determined by the following equations using the process weight rate (in units of tons/hr).

For process rates up to 60,000 lbs/hr: $E = 3.59\ P^{0.62}$

For process rates in excess of 60,000 lbs/hr: $E = 17.31\ P^{0.16}$

For the equation E = rate of emission in lb/hr and P = process weight rate in tons/hour

b. Pursuant to State Regulation 401 KAR 59:010, Section 3, any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. **Emission Limitations: (Continued)**

Compliance Demonstration Method:

a. Compliance with hourly emission limit shall be determined as follows:

Hourly Emission Rate = [Monthly processing rate x Emission Factor as determined from AP-42 * / (Hours of operation per month)] x (1 – control efficiency)

* If an Emission Factor other than that taken from AP-42 is used, documentation on how that Emission Factor was derived must be submitted to the Division's Central Office for approval.

b. In determining compliance with the opacity standards as listed above, the owner or operator shall use Reference Method 9, as directed by 401 KAR 59:010, Section 4.

c. See Section C, General Condition F.1.

3. Testing Requirements:

N/A

4. Monitoring Requirements:

See Section C, General Condition F.1.

5. Recordkeeping Requirements:

See also Section C, General Conditions B.1., B.2., and F.1.

6. Reporting Requirements:

See Section C, General Conditions C.1., C.2., C.3., and F.2.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

04 (-) **Indirect Heat Exchanger**
(Cleaver-Brooks)
Natural Gas Fired
(12.5 mmBTU/hr)
(primary fuel for boiler)

APPLICABLE REGULATIONS:

State Regulation 401 KAR 59:015, New indirect heat exchangers, which applies to emission units with a rated capacity of 250 mmBTU/hr or less constructed on or after April 9, 1972

1. Operating Limitations:

N/A

2. Emissions Limitations:

a. Pursuant to State Regulation 401 KAR 59:015, Section 4(1)(c)., emissions of particulate matter from the indirect heat exchanger shall not exceed 0.5313 lbs/mmBTU actual heat input.

b. Pursuant to State Regulation 401 KAR 59:015, Section 4(2), the opacity of visible emissions from the combustion of natural gas shall not exceed twenty (20) percent except that:

(1) Pursuant to State Regulation 401 KAR 59:015, Section 4(2)(b), a maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot.

(2) Pursuant to State Regulation 401 KAR 59:015, Section 4(2)(c), for emissions from an indirect heat exchanger during building a new fire for the period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.

c. Pursuant to State Regulation 401 KAR 59:015, Section 5(1)(c)1., emissions of sulfur dioxide from the indirect heat exchanger shall not exceed 2.74 lbs/mmBTU actual heat input.

Compliance Demonstration Method:

This unit is considered to be in compliance with the PM, SO_2, and opacity standards while burning natural gas.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Testing Requirements:

NA

4. Monitoring Requirements:

a. The permittee shall monitor the fuel usage on a monthly basis.

b. See Section C, General Condition F.1.

5. Recordkeeping Requirements:

a. Records of the amount of natural gas burned shall be maintained on a monthly basis.

b. See Section C, General Conditions B.1., B.2., and F.1.

6. Reporting Requirements:

See Section C, General Conditions C.1., C.2., C.3., and F.2.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

05 (-) Haul Road and Yard Area (paved)

(-) Haul Road and Yard Area (unpaved)

APPLICABLE REGULATIONS:

State Regulation 401 KAR 63:010, Fugitive emissions, apply to each of the affected facilities listed above.

1. Operating Limitations:

N/A

2. Emission Limitations:

a. The materials processed at each affected facility listed above shall be controlled with wet suppression, enclosures, and/or dust collection equipment so as to comply with the requirements specified in Regulation 401 KAR 63:010, Fugitive emissions, Section 3. Standards for fugitive emissions.

b. Pursuant to Regulation 401 KAR 63:010, Section 3 (1), no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:

1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
2) Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;
3) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling. Adequate containment methods shall be employed during sandblasting or other similar operations.
4) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;
5) The maintenance of paved roadways in a clean condition;
6) The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.

c. Pursuant to Regulation 401 KAR 63:010, Section 3 (2), no person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. **Emission Limitations:** (Continued)

d. Pursuant to Regulation 401 KAR 63:010, Section 3 (3), when dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the Secretary may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or air-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

e. Pursuant to Regulation 401 KAR 63:010, Section 4, Additional Requirements, in addition to the requirements of Section 3 of this regulation, the following shall apply:

1) Pursuant to Regulation 401 KAR 63:010, Section 4 (1), open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered at all times when in motion.

2) Pursuant to Regulation 401 KAR 63:010, Section 4 (4), no one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway.

Compliance Demonstration Method:

See Section C, General Condition F.1.

3. Testing Requirements:

N/A

4. Monitoring Requirements:

See Section C, General Condition F.1.

5. Recordkeeping Requirements:

See Section C, General Conditions B.1., B.2., and F.1.

6. Reporting Requirements:

See Section C, General Conditions C.1., C.2., C.3., and F.2.

SECTION C - GENERAL CONDITIONS

A. Administrative Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of State Regulation 401 KAR 52:040, Section 3(1)(b) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.

2. This permit shall remain in effect for a fixed term of ten (10) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:040, Section 15]

3. Any condition or portion of this permit, which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
   [Material incorporated by reference by 401 KAR 52:040, Section 1a, 11]

4. Pursuant to materials incorporated by reference by 401 KAR 52:040, this permit may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition. [Material incorporated by reference by 401 KAR 52:040, Section 1a, 4 and 5]

5. This permit does not convey property rights or exclusive privileges. [Material incorporated by reference by 401 KAR 52:040, Section 1a, 8].

6. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:040 Section 11(3)]

7. This permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in State Regulation 401 KAR 50:038, Air emissions fee. Source shall submit an annual emissions certification pursuant to 401 KAR 52:040, Section 20.

8. All permits previously issued to this source at this location are hereby null and void.

SECTION C - GENERAL CONDITIONS (CONTINUED)

B. Recordkeeping Requirements

1. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of at least five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [Material incorporated by reference by 401 KAR 52:040, Section 1b, IV. 2) and 401 KAR 52:040 Section 3(1)(f)]

2. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 52:040, Section 21.

C. Reporting Requirements

1. a. In accordance with the provisions of State Regulation 401 KAR 50:055, Section 1 the permittee shall notify the Division for Air Quality's Owensboro Regional Office concerning startups, shutdowns, or malfunctions as follows:
    i. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
    ii. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.

    b. The permittee shall promptly report deviations from permit requirements including those attributed to upset conditions [other than emission exceedances covered by Reporting Requirement condition 1 a) above], the probable cause of the deviation, and corrective or preventive measures taken; to the Division for Air Quality's Owensboro Regional Office within 30 days. Other deviations from permit requirements shall be included in the semiannual report. [Cabinet Provisions and Procedures for Issuing State-Origin Permits, Section 1b. V. 3]

2. The permittee shall furnish information requested by the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the permit. [Cabinet Provisions and Procedures for Issuing State-Origin Permits, Section 1a, 6].

3. Summary reports of any monitoring required by this permit shall be reported to the Division for Air Quality's Owensboro Regional Office at least every six (6) months during the life of this permit. The summary reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official. All deviations from permit requirements shall be clearly identified in the reports. [401 KAR 52:040, section 21]

SECTION C - GENERAL CONDITIONS (CONTINUED)

D. Inspections

1. In accordance with the requirements of State Regulation 401 KAR 52:040, Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:

   a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
   b. To access and copy any records required by the permit;
   c. Inspect any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit.
   d. Sample or monitor substances or parameters to assure compliance with the permit or any applicable requirements.

   Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.

E. Emergencies/Enforcement Provisions

1. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Cabinet Provisions and Procedures for Issuing State-Origin Permits, Section 1a, 3].

2. An emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
   a. An emergency occurred and the permittee can identify the cause of the emergency;
   b. The permitted facility was at the time being properly operated;
   c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
   d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.

3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement.

4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

SECTION C - GENERAL CONDITIONS (CONTINUED)

F. Compliance

1. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following shall be followed:
   a. Pursuant to State Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
   b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and non routine maintenance performed on each control device. Daily observations are required during daylight hours of all operations, control equipment and any visible emissions to determine whether conditions appear to be either normal or abnormal. If the operations, controls and/or emissions appear abnormal, the permittee must then comply with the requirements of Section C – General Conditions, C.1.b., of this permit.
   c. A log of the monthly production rates shall be kept available at the facility. Compliance with the emission limits may be demonstrated by computer program (spread sheets), calculations or performance tests as may be specified by the Division.

2. Pursuant to State Regulation 401 KAR 52:040, Section 19, the permittee shall annually complete and return a Compliance Certification Form (DEP 7007CC) to the Division's Owensboro Regional Office, in accordance with the following requirements:
   a. Identification of the term or condition;
   b. Compliance status of each term or condition of the permit;
   c. Whether compliance was continuous or intermittent;
   d. The method used for determining the compliance status for the source, currently and over the reporting period; and
   e. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality Owensboro Regional Office 3032 Alvey Park Drive W., Suite 700 Owensboro, KY 42303-2191	Division for Air Quality Central Files 803 Schenkel Lane Frankfort, KY 40601

3. Permit Shield - A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with all applicable requirements for:
   a. Applicable requirements included and specifically identified in the permit; or
   b. Non-applicable requirements expressly identified in this permit.